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EXAMINER

YIMAM, HARUN M

ART UNIT PAPER NUMBER

2611

DATE MAILED: 07/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/819,278

Applicant(s)

GUTTA ET AL.

Examiner

Harun M. Yimam

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 March 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Response to Arguments

1. Applicant's arguments with respect to claims 1-9, 12, 15, 17, and 19 have been considered but are moot in view of the new ground(s) of rejection.

With regards to claim 1, the combination of Hong and Yeo meets the limitations of the amended claim.

Applicant's arguments filed 03/29/05 with respect to claims 10, 11, 13, 14, 16, 18 and 20 have been fully considered but they are not persuasive.

With regards to claims 10 and 18, Hong clearly discloses that the sequence of key frame images represents a continuum of the slotted program as it progresses. The examiner directs the applicant's attention to page 8, lines 1-5—The image data of the program includes video data for a **sequence of predetermined number of pictures** (reads on the sequence of key frame images) capable of providing **representative motion pictures or images of the program** (which clearly **represents** a continuum of the slotted program as it progresses).

Regarding claim 13, Hong clearly discloses that the key frame images comprise a textual message (see figure 4, rows 3 – 5). For example, CH 02 at 12:00 has a key frame image along with "KOREA BUSINESS TODAY" as its textual message.

With regards to claims 14 and 16, Hong clearly discloses the highlighting of key frame images (see figure 4 and page 9, lines 20-22). For example, CH 03 at 14:00 shows that its program is highlighted with a bright border indicating "PGA TODAY" as its theme (i.e. subject or topic) of the program.

Regarding claims 7 and 15, the examiner has clarified above that Hong discloses the highlighting of key frame images with a bright border. White discloses a user interface system for selecting items of interest on a television screen. White discloses that highlighting any feature of interest by using a color (i.e. a **single color**) is well known in the art. See column 4, lines 30 - 39. Therefore, the combination clearly reads on the claimed limitation.

With regards to claims 4, 9, 12, 17, and 19, Hong disclose a sequence of key frame images for each program upon user selection (page 7, line 22 – page 8, line 25)—which means that a user selects a key frame image and a representative motion pictures or images of the program is displayed as a video clip. Yuen discloses a program selection system (figure 2) comprising a video clip (42) having a corresponding sound byte. See column 2, paragraph 15, lines 15 – 23. Therefore, the combination clearly reads on the claimed limitation.

In view of the above remarks, the rejections of claims 10, 11, 13, 14, 16, 18 and 20 are maintained.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

3. Claim 1 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter, which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

The disclosure fails to support "said grid containing a plurality of key frame images **for** each program" as now recited in claim 1, lines 2-3. Page 9, lines 1-12 in the specification discloses a user selecting a particular program window of interest, which in turn displays a sequential series of key frame images of the program. However, the specification does not support plurality of key frame images **for** each program contained in a grid. Furthermore, figure 2 shows a single key frame image for each program— Page 8, lines 14-16 in the specification discloses that the show windows comprised in the grid containing image (**one** image or a **single** image) information with respect to each slotted program.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 10, 11, 13, 14, 16, 18 and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Hong (GB 2330474).

With regards to claim 10, Hong discloses a method of selecting a preferred television program from a plurality of television programs, comprising the steps of: a) choosing a specific program from a display of textually described programs (page 5, line 11 – page 6, line 20 and page 7, line 22 – page 8, line 5); b) displaying said specific program as a sequence of key frame images (page 7, line 22- page 8, line 5). The examiner directs the applicant's attention to page 8, lines 1-5—The image data of the program includes video data for a **sequence of predetermined number of pictures** (reads on the sequence of key frame images) capable of providing **representative motion pictures or images of the program** (which clearly **represents** a continuum of the slotted program as it progresses).

Regarding claim 11, Hong discloses that the key frame images are invoked in a sequence following progress of the program on page 7, line 22 – page 8, lines 5. Hong

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also discloses that key frame images are highlighted on page 9, lines 20 – 22. Story line and progress of a program are synonymous.

As for claim 13, Hong discloses that the key frame images comprise textual message in figure 4, rows 3 – 5.

With regards to claim 14, Hong discloses that the highlighted key frame image is most indicative of the theme (i.e. subject or topic) as illustrated in figure 4 and page 9, lines 20-22. For example, “Headline news” is indicative of news on channel 3 at 12:00pm.

Regarding claim 16, Hong shows a highlighted key frame image with a bright border in the fourth row of Figure 4.

Regarding claim 18, Hong discloses a television program selection system (figure 4), comprising: a grid of television program slotted for a particular time (see time 12:00, 13:00 and 14:00 at second row of figure 4) and channel (CH02, CH03 etc.), said grid containing key frames (still images) of each program; and means (remote control) to select the slotted program to reveal a sequential showing of the key frames images (page 7, line 22 – page 8, lines 5). The examiner directs the applicant's attention to page 8, lines 1-5—The image data of the program includes video data for a **sequence of predetermined number of pictures** (reads on the sequence of key frame images)

capable of providing **representative motion pictures or images of the program**
(which clearly **represents** a continuum of the slotted program as it progresses).

With regards to claim 20, Hong discloses that the key frame images are invoked in a sequence following progress of the program on page 7, line 22 – page 8, lines 5. Story line and progress of a program are synonymous.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1 - 3, 5, 6, and 8 are rejected under U.S.C. 103(a) as being unpatentable over Hong (GB 2330474) and Yeo (6,870,573).

Considering claim 1, Hong discloses a television program selection system (figure 4), comprising: a grid of television program slotted for a particular time (see time 12:00, 13:00 and 14:00 at second row of figure 4) and channel (CH02, CH03 etc.), said grid containing a plurality of key frames (still images) of each program; and means (remote control) to select the slotted program to reveal a sequential showing of the key frames images (page 9, line 26 – page 10, line 9 and page 7, line 22 – page 8, lines 5).

The examiner directs the applicant's attention to page 8, lines 1-5—The image data of the program includes video data for a **sequence of predetermined number of pictures** (reads on the sequence of key frame images) capable of providing **representative motion pictures or images of the program** (which clearly represents a continuum of the slotted program as it progresses).

Hong fails to disclose a plurality of key frame images **for** each program.

In analogous art, Yeo discloses a plurality of key frames (image frames) **for** each program (see figures 5 and 6—column 6, lines 57-60, column 6, line 65 – column 7, line 2, column 7, lines 8-10, and column 8, lines 20-23).

It would have been obvious to one of ordinary skill in the art to modify Hong's system to include a plurality of key frame images **for** each program, as taught by Yeo, for the benefit of presenting a real-time visual program summary (Yeo—column 8, lines 2-5 and 20-23).

Claim 2 is met by Hong and Yeo. In particular, Hong discloses that the key frame images are invoked in a sequence following progress of the program on page 7, line 22 – page 8, lines 5. A **sequence of predetermined number of pictures** capable of providing **representative motion pictures or images of the program** disclosed by Hong—page 8, lines 5, reads on the sequential showing of key frame images following the story line of the program.

Claim 3 is met by Hong and Yeo. In particular, Hong discloses that the key frame images are highlighted on page 9, lines 20 – 22.

Claim 5 is met by Hong and Yeo. In particular, Hong discloses that the key frame images comprise textual message in figure 4, rows 3 – 5.

Claim 6 is met by Hong and Yeo. In particular, Hong discloses that the highlighted key frame image is most indicative of the theme (i.e. subject or topic) as illustrated in figure 4 and page 9, lines 20-22. For example, “Headline news” is indicative of news on channel 3 at 12:00pm.

Claim 8 is met by Hong and Yeo. In particular, Hong shows a highlighted key frame image with a bright border in the fourth row of Figure 4.

8. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hong and Yeo, as applied to claim 3 above, and further in view of White (6,804,825).

As for claim 7, Hong and Yeo disclose that the key frame is highlighted on page 9, lines 20-22. Hong and Yeo fail to disclose highlighting comprising a single color.

In an analogous art, White discloses a user interface system for selecting items of interest on a television screen. White discloses that highlighting any feature of

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interest by using a color (i.e. a single color) is well known in the art. See column 4, lines 30 - 39.

It would have been obvious to one of ordinary skill in the art to modify the system of Hong and Yeo to include highlighting by a single color, as taught by White, because this is the simplest way of representing a selected item of interest by the user.

9. Claims 4 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hong and Yeo, as applied to claims 1 and 3 above, and further in view of Yuen (US 2004/0230992).

Considering claims 4 and 9, Hong and Yeo disclose a program selection system comprising key frame images as described above. However, Hong and Yeo fail to specifically disclose that the key frame images comprise at least one sound byte.

In an analogous art, Yuen discloses a program selection system (figure 2) comprising a key frame images (42) having a corresponding sound byte. See column 2, paragraph 15, lines 15 – 23.

It would have been obvious to one of ordinary skill in the art to modify the system of Hong and Yeo to include the key frame images comprising at least one sound byte, as taught by Yuen, for the benefit of providing audio to a corresponding key frame image so the user can listen to the selected program clip.

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10. Claim 15 is rejected under U.S.C. 103(a) as being unpatentable over Hong and White (6,804,825).

As for claim 15, Hong discloses that the key frame is highlighted on page 9, lines 20-22. Hong fails to disclose highlighting comprising a single color.

In an analogous art, White discloses a user interface system for selecting items of interest on a television screen. White discloses that highlighting any feature of interest by using a color (i.e. a single color) is well known in the art. See column 4, lines 30 - 39.

It would have been obvious to one of ordinary skill in the art to modify Hong's system to include highlighting by a single color, as taught by White, because this is the simplest way of representing a selected item of interest by the user.

11. Claims 12, 17, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hong and Yuen (US 2004/0230992).

Considering claims 12, 17, and 19, Hong discloses a program selection system comprising key frame images as described above. However, Hong fails to specifically disclose that the key frame images comprise at least one sound byte.

In an analogous art, Yuen discloses a program selection system (figure 2) comprising a key frame images (42) having a corresponding sound byte. See column 2, paragraph 15, lines 15 – 23.

It would have been obvious to one of ordinary skill in the art to modify Hong's system to include the key frame images comprising at least one sound byte, as taught by Yuen, for the benefit of providing audio to a corresponding key frame image so the user can listen to the selected program clip.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. US-6,756,997 by Ward, US-6,732,371 by Lee, and US-5,734,786 by Mankovitz.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not

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mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Harun M. Yimam whose telephone number is 571-272-7260. The examiner can normally be reached on M-F 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Grant can be reached on 571-272-7294. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

HMY



CHRIS GRANT
PRIMARY EXAMINER